

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

MICHELLE ALLEN KEEL

PLAINTIFF

v.

NO. 3:15CV-00183-JMV

**CAROLYN W. COLVIN,
Acting Commissioner of
Social Security Administration**

DEFENDANT

FINAL JUDGMENT

This cause is before the court on Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying claims for a period of disability and Disability Insurance Benefits. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's ruling from the bench during oral argument, the court finds the ALJ's residual functional capacity ("RFC") determination is not supported by substantial evidence in the record. Specifically, the court is not convinced the ALJ's RFC determination adequately accounts for limitations associated with the claimant's ability to maintain attention and concentration. Both Dr. Harold Savell's February 2013 report (Tr. 290-295) and a February 2014 report from Campbell Psychological Services, PLLC (Tr. 498-500) indicate extreme mental deficits. And, it is apparent that Dr. Amy Morgan's opinion, which included only moderate limitations and on which the ALJ heavily relied, did not take into account the Campbell report.

On remand, the ALJ shall consult a medical advisor, who shall review the entirety of the medical evidence of record and thereafter render an opinion regarding the claimant's mental RFC. Any mental functional capacity assessment provided must include a detailed function-by function assessment of the claimant's ability to perform the mental activities required for work (skilled to unskilled) on a sustained basis (i.e., 8 hours a day, 5 days a week). The ALJ shall then reconsider the claimant's RFC based on all the relevant evidence in the record. The ALJ may conduct any additional proceedings that are not inconsistent with this order.

IT IS, THEREFORE, ORDERED AND ADJUDGED that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 29th day of June, 2016.

/s/ Jane M. Virden
U. S. MAGISTRATE JUDGE